

Bainbridge Township, Ohio
Board of Zoning Appeals
July 21, 2016

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Todd Lewis. Mr. Mark Murphy was absent. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals. He then explained the hearing process and swore in all persons who intended to testify.

Application 2016-19 by Art Lyons for property at 9310 Stafford Road

The applicant is requesting area variance(s) for the purpose of constructing a detached garage. The property is located in a R-5A District.

Mr. Art Lyons was present to represent this application.

Mr. Lyons testified that where he is out of bounds is with the 50' offset from the property line. He said if he put the building 50' away from his property line it would be right behind his house and possibly getting into an area that would be used for a replacement field if he ever needed one so he sort of opted for the right-hand side of the property and because he is in close proximity to the neighbor's property line within the 50' he is asking for a variance to build it 15' off the property line and then there were two other conditions he thought he didn't meet with that.

Ms. Karen Endres, Zoning Inspector testified that it is also the maximum accessory building size and lot coverage and added those come up quite a bit on the smaller lots.

Mr. Lyons said he is over the square footage by 2%.

Ms. Endres said you are 2.9% over, 10% is permitted and you are asking for 12.9% and the building you are proposing is 888 sq. ft.

Mr. Lyons said that is in excess of the 300 sq. ft. maximum. He said he is not looking to operate any kind of a business out of the building, he is looking to use it to store equipment in there and keep it out of the rain, the elements and we are looking to construct it so it is tasteful and he thinks where they are looking to put it will be out of the neighbor's view, the neighbor won't see it because it is closer up. He explained the proposed location of the shed per the aerial photo. He said his property goes further back and because it is wooded it is sort of out of site from the neighbor that is on his northeast side and of course his neighbor on the corner is not here tonight and maybe they don't have a problem with it but they can't see it because their house is over here (he referred to the aerial photo).

Mr. Lyons continued by saying what they are looking to do is to build a garage with a lean-to, it will be sided and not the vertical siding it will be like what you would have on a house like vinyl siding but he thinks it will be steel siding. He showed where he will be coming off of the lot line by about 15' and it is in close proximity to the driveway as well, it will be a straight shot and he figured it is the best place for them to put it without using up more property. He said as far as his lot line is he found the pins in the front of the property and the pin on the northwest corner of the property and the pin for the northeast corner, he did some math and came up with the location for that but he found the other pins on his property and was able to come up with where his property lines were.

Mr. Lamanna asked if there is an existing building there now.

Mr. Lyons said no and what you see there is a horse trailer that is parked there and also this area here, he referred to the aerial photo and said it is gravel, it is not asphalt and he doesn't know if it will be counted in as his total covered area.

Ms. Endres said that gravel counts even though it is not concrete.

Mr. Lyons said he wasn't sure about that. He asked if he can answer any questions that anybody has about it. He said the property goes back into this field about another 30' to 40'. He said he didn't mention that he has a well right there and he has to be at least 10' from the well so the building is going to be 10' from the well which puts it right here (he referred to the aerial photo). He said if he moves the building west of the property line to this area here then he would have to deal with the well and he kind of has it where it is the least amount of trouble for him.

Mr. Lamanna said the board would really like it a little farther off of the property line, especially a building of this size, if it was a smaller building like a 10' x 12' building we would be inclined to deal with it more lenient but when you are talking about a 24' x 32' we would like to see if we can get it probably 25' off the side line, even if it necessitates moving it back a little bit.

Mr. Lyons said the well is right here (he referred to the aerial photo) and if he moves it back and then moved it over he doesn't know if it would dip into the replacement septic field if one is ever needed.

Mr. Gutoskey said with your septic you need to be 50' off of your well with the septic with a replacement field or primary field. He said if you strike a 50' radius around your well you can't have any part of your lines for your septic in that area so you probably can move it back and over a little bit and it wouldn't impact your septic.

Mr. Lamanna said if you move the building 10' back the back of the building will be 42' away from the wellhead so it will not impact the septic field.

Ms. Endres said he would probably need a little bit more lot coverage then too to accommodate the drive.

Mr. Gutoskey asked Ms. Endres if her calculations included the gravel drive because the board was wondering if the gravel drive could be scaled down a little bit to help with the lot coverage.

Ms. Endres said her numbers would have included that and she usually includes her calculation sheet in the board packets.

Mr. Lamanna asked how much extra driveway is there and what the extra gravel space is used for.

Mr. Lyons said it is just a turn-around for the truck and trailer and they can turn a whole rig around in this area here, that is primarily what it is for now but when the kids were home it was parking for their cars.

Mr. Lewis said he doesn't see anything prohibiting shifting it ten more feet off the property line even if you push it back a little bit, there is nothing in the way, there is no impact with the well or future septic or leach fields.

Mr. Gutoskey said it looks like there are three Pine trees there.

Mr. Lewis said the board is trying to come up with any form of practical difficulty and there is none apparent because there is a place to put it. He said he sees on the other notation that it is 12' 11" tall because he couldn't find a scaled elevation but there was a footnote on this long sheet of paper and he doesn't know if that is to the roof peak or to the cupola. He said the rendering shows 12' 11" tall and asked if that is to the roof peak.

Mr. Lyons said yes.

Mr. Lewis said it doesn't include the cupola.

Mr. Lyons said no and if he moves it back and moved it off the property line from 15' to 25' is that what the board is thinking.

Mr. Lamanna said yes.

Mr. Lyons said then whatever driveway he has for that he would have to go around the well because it would be out of line with his driveway because the wellhead is pretty much lined up with the driveway as it is now.

Mr. Gutoskey asked how far he is off of the well right now.

Mr. Lyons said he is 10' north of the well and that is the lean-to corner of the building.

Mr. Gutoskey asked how far east of the well it is.

Mr. Lyons said he is not east of it at all, the lean-to area of the building starts right at the well, that line.

Mr. Gutoskey asked if that is a flagpole he sees.

Mr. Lyons replied yes and there is a basketball hoop right here and then the wellhead is directly behind that. He explained the location of the basketball hoop on the site plan.

The board discussed the site plan.

Mr. Lyons said the lean-to pad is right behind the well.

The board explained the preferred new location for the building.

Mr. Lyons asked if he should position the building over enough so the wellhead is opposite the door opening.

Mr. Gutoskey said yes, give or take.

Mr. Lyons said he could do that but the lean-to is 5'.

Mr. Gutoskey said it is 5' 10-1/2" and 3' 10-1/2" for the door opening.

Mr. Lewis said there is room and if you draw the 50' circle around the wellhead the whole thing is contained if you have to replace the septic.

Mr. Lyons asked if there is enough room on the property for that.

Mr. Lewis said you have all of your room in the back.

Mr. Lamanna said it is still going to be in the area you can't use anyway.

Mr. Lyons said you are saying 25' off of the property line.

Mr. Lewis said yes and then you can position it appropriately with the wellhead and how is it set on the rear setback.

Mr. Lyons said he has to be 10' from the wellhead.

Mr. Lewis said there is room and there is room in the back, it is 90' so it can be shifted.

Mr. Lyons said he doesn't want to move it too far back because when he looks out the back of the house he doesn't want to be looking at it.

Mr. Gutoskey said your neighbors don't either that is why we want it at 25'.

Mr. Lyons said the farther back he moves it there is the possibility of the one neighbor seeing it.

Mr. Lewis said they got notification of this application so if it was a concern they would be here.

Mr. Dave Zagorski testified that he has the same concerns.

Mr. Gutoskey asked which side he is on, east or west.

Mr. Zagorski said he is behind Mr. Lyons.

Mr. Lewis asked if he is directly behind Mr. Lyons.

Mr. Zagorski said yes, if you look up on the aerial photo, his house is up to the right, to the east.

Mr. Lewis said our code requires a minimum of 90' so it looks like there is no rear yard setback so you can go a little back and a little in.

Mr. Lyons said he doesn't even know if he has to go back.

Mr. Lewis said you may not have to.

Mr. Lyons said he is already 10' off the well so just slide the building over about 10' and that would give them 25' off the property line.

Mr. Zagorski said he has no issues.

Mr. Lyons said thanks he appreciates it. He asked if it is going to be a big deal if it is 24' because he doesn't want to have the door opening directly in line with the wellhead.

Mr. Lewis said the board is going to give 25' and after you stake it if there is an issue come and visit the zoning inspector.

Mr. Lyons said okay, that is fine.

Mr. Lewis said physical measurements may vary a little from this but please don't start building anything less than 25' without coming back here if it is required and make every effort to make it because with the 25', if you are that close, he knows you can push it back towards the rear and you can open that space up so there shouldn't be any problem with getting 25'.

Mr. Lyons said alright.

Mr. Lamanna said at the end of the day the board doesn't want it any bigger than that and there is room to gerrymander that gravel area.

Mr. Lewis said if you need to pick some of it up and move it to go into that you can't add more driveway.

Mr. Lyons said he thinks he can do that too.

Since there was no further testimony, this application was concluded.

Motion BZA 2016-19 – 9310 Stafford Road

Mr. Lamanna moved to grant the applicant the following variances for the purpose of constructing an 888 sq. ft. accessory building as shown in the application that has been submitted.

1. A variance from the minimum required side yard setback of 50' to ~~25'~~ 20' for a variance of ~~25'~~ 30'. **Secretary's note: The board was in agreement to modify this motion to allow 20' from the required side yard setback instead of 25' due to additional facts stated by the applicant on 8/18/2016. See minutes dated August 18, 2016.**
2. A variance to the total lot coverage from the maximum 10% to 12.9% for a variance of 2.9%.

Based on the following findings of fact:

1. This is a 1-1/2 acre lot so it is narrower than the normal lot size therefore the applicant's lot width is limited.
2. In addition to move the building farther back would put it in an area where the only area would be available for the applicant to have a replacement septic field.
3. With respect to the lot coverage, because it is only a 1-1/2 lot, it is a small increase in lot coverage and would not have an adverse effect.
4. The positioning of this building is not inconsistent with the character of the neighborhood and would not adversely affect the neighboring property owners.

Mr. Lewis seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Application 2016-20 by Rob Biermann, Certified Renovations for property at 7071 Cedar Street

The applicant is requesting area variance(s) for the purpose of constructing an addition. The property is located in a R-3A District.

Mr. Rob Biermann and Mrs. Connie Stone were present to represent this application.

Mr. Biermann testified that this is the Stone's residence and Mrs. Connie Stone is sitting next to him. He stated that the Stone property on Cedar Street is right down the street from the Roller Rink in Chagrin. He referred to the aerial photo and showed the residence and said there is a garage that is a single car and detached, the driveway that is going up here and they have a walk that is here and they have a rear walkway here so they are proposing that the garage will be coming off of the house here and they will be building an addition onto the house which will have a small front porch and hallway and a new garage that is over here, a bedroom in the rear and a screened porch. He said that is what they are proposing as the changes to the Stones property. He said the driveway will be changed and will be curved to come over here to the new garage, they really won't be adding much in terms of hardscape because the front yard is in front of the garden, the garage here is going to be removed and this is primarily going to be a walkway that is going in. He said it is in the drawings as a cement walkway currently however Mr. and Mrs. Stone discussed that they want to put some stepping pavers to walk right through the garden so a huge chunk of this is just going to be redirected and they are not going to be adding much in terms of a driveway to the property at all. He said the reason why they are requesting this is because the bedroom is upstairs and the Stones need a first floor bedroom so that is one of the issues and they need a first floor master in the house.

Mr. Lamanna asked if a lot of the driveway going to be eliminated that is currently in front of the existing garage.

Mr. Biermann replied yes, they are going to take it out and swoop it over.

Mr. Lamanna said so the curb cut will be basically the same pretty quickly moved over and head straight towards the garage.

Mr. Biermann said right.

Mr. Gutoskey asked Ms. Endres about the calculations for the lot coverage regarding the existing drive.

Ms. Karen Endres, Zoning Inspector testified that the number she ended up using for the lot coverage came from the architect.

Mr. Biermann said yes.

Ms. Endres said she asked the architect to compile the lot coverage based on the removal of the rear walkway, the front walkway will remain, the driveway would be reconfigured.

Mr. Biermann said we are requesting a lot coverage variance and a side setback on the garage side, so two variances.

Mr. Lamanna asked if the little swirly thing that comes out between the garage and the house is a walkway.

Mr. Biermann said that little swirly thing is going to be stepping stones, the architect drew it in as concrete as a little curved path but Mrs. Stone doesn't want that there.

Mr. Lamanna said he assumes the driveway is going to end up looking like this (he referred to the site plan).

Mr. Biermann said yes most likely.

Mr. Lamanna said this path will have to come over and this path will somehow come out here to access the driveway as well.

Mr. Biermann said yes and the lot coverage is on the high end for what it is, it is actually going to end up being less than what we are asking for.

Mr. Lamanna swore in Mr. Dave Leone and Mrs. Emily Leone.

Mr. Dave Leone testified that he and his wife are next to the house with the proposed construction so they are just here to learn. He said Mrs. Stone talked to them a couple of weeks ago.

Mr. Lamanna said you are on the garage side.

Mr. Leone said they are, on the right side.

Mr. Lamanna said this will be about 12' to 13' closer than it is now.

Mr. Leone replied yes.

Mr. Lamanna said it is not unusual in this area. He asked if there have been discussions with the issue of the run-off and asked if there are currently any water issues.

Mr. Biermann said that Mrs. Stone explained to her that the homes on the street, further down towards town have more issues with it. He referred to the aerial map and said the water comes to where the lot line is and really doesn't come past that, they have a very slight amount of pooling and Mrs. Stone said it goes away in about 12 hours maximum, a 9 x 9 area.

Mrs. Stone said not even that big.

Mr. Biermann said something very small right here in the corner so what they are proposing, the property slopes, so they are just talking about putting in a rain barrel in the back and redirecting the downspouts to the back.

Mrs. Stone said what you can't see in that picture is that there are a lot of trees and shrubs planted and specifically there is one Sycamore that sucks up a lot of water, we have tried to mitigate it.

Mr. Lamanna said in this area what we are really concerned about is when you add more structures where that rain water is going because in various locations on the street there has been a problem going off onto the neighbor's property or not controlling it coming out of the gutters or directing the flow.

Mrs. Stone said she has been there since 1999 so she knows what is being talked about.

Mr. Lamanna said the board is a little concerned to make sure the people have thought about it and planned where they are taking their rain water flows so that they are being directed in the appropriate places. He said you can use rain barrels etc. to mitigate the flow.

Mr. Biermann said it will be very minimal because if you look at some of the properties down the street, you can even see in the pictures that many of the neighbors actually have lots of hardscaping and lots of lawn and everything else. He said Mr. and Mrs. Stone's yard is not like that, it is literally gardens, ivy and everything super absorption.

Mr. Lamanna said that is very helpful and as long as you make sure you run the gutters to direct that all to the rear.

Mr. Lewis asked Mr. Biermann if he had a copy of the recommendations of the Chagrin River Watershed Partners.

Mr. Biermann said yes and those recommendations are things that he talked to them about on the phone and he explained to them what they are going to do and they said that is what they would recommend anyway so we are on the same page.

Ms. Endres said they had a site meeting with Ms. Heather Elmer a couple of days ago and she wants them to be a little proactive because of the last Cedar Street issue. She said she thought it would make sense to bring the Chagrin River Watershed Partners in early so the board could consider their recommendation at the hearing rather than doing everything after the fact.

Mr. Lewis said the recommendations have been applied to the design and added that it is a tricky area.

Mr. Lamanna said the board wants to reassure that the water is not draining to the east.

Mrs. Stone said it cannot because it slopes the other way.

Since there was no further testimony, this application was concluded.

Motion BZA 2016-20 – 7071 Cedar Street

Mr. Lamanna moved to grant the following variances for the purposes of constructing an addition to an existing house and part of which will be constructed over the area currently occupied by an attached garage.

1. A variance to the maximum lot coverage of 20% to 29.2% for a variance of 9.2%.
2. A variance to the front yard setback requirements to 40' from the required minimum 75' for a variance of 35'.
3. A variance on the minimum side yard on the east side to 10.4' representing a variance of 9.6' from the 20' required.

Based on the following findings of fact:

1. A practical difficulty exists due to the small lot size so it would be very difficult to add additional construction on the site without having a lot coverage variance.
2. Additionally most of the other properties in this area have lot coverages that are similar to or exceed this one.
3. With respect to the front yard, the existing setback of the house is 40' and that will not be changed, the addition will be behind that and that 40' is consistent with the setbacks of the other houses along the street so it will not adversely affect the neighboring properties.
4. This is a very narrow lot so it would be very difficult to expand the size of the house without reducing the width of the required setbacks and also this is not inconsistent with other side setbacks in this area and should not adversely affect the neighboring properties.
5. The applicants have also indicated that they will take measures so the rainwater from the addition will be channeled towards the rear of the property where it will move into the existing contours on the property and flow away to the southwest.
6. The applicants also have indicated they will use other methods such as rain barrels to help control flow and the purposes of these requirements is to make sure that any increase in the rainwater on the site does not move towards the east and to the property immediately adjacent to theirs on the east side.

Mr. DeWater seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Application 2016-21 by Aidan Kilker for property at 8318 Bainbridge Road – Postponed to August

The applicant is requesting area variance(s) for the purpose of constructing a detached garage. The property is located in a R-3A District.

The board was in agreement to postpone this application to the next regularly scheduled meeting to be held on August 18, 2016 at the request of the applicant.

Since there was no further testimony, the public hearing was closed at 7:55 P.M.

Respectfully submitted,

Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman

Attested to by: Linda L. Zimmerman, Secretary
Board of Zoning Appeals

Date: August 18, 2016

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
July 21, 2016

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:55 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Todd Lewis. Mr. Mark Murphy was absent. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the June 16, 2016 meeting as written.

Mr. Gutoskey seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Applications for Next Month

Application 2016-5 by Tim Roach for property at 7045 N. Aurora Road - Continuance

The applicant is requesting a substitution of a non-conforming use for the purpose of mulch, plant, nursery and outdoor furniture sales. The property is located in the MUP District.

Application 2016-19 by Art Lyons for property at 9310 Stafford Road - Continuance

The applicant is requesting a modification of a previously granted variance for the purpose of constructing a detached garage. The property is located in a R-5A District.

Application 2016-21 by Aidan Kilker for property at 8318 Bainbridge Road

The applicant is requesting area variance(s) for the purpose of constructing a detached garage. The property is located in a R-3A District.

Application 2016-22 by Paul Mele for property at 8385 Tulip Lane

The applicant is requesting area variance(s) for the purpose of maintaining a shed. The property is located in a R-3A District.

Application 2016-23 by Living Lean for property at 16625 Wren Road

The applicant is requesting a substitution of a non-conforming use for the purpose of an indoor athletic training/practice facility. The property is located in a CB District.

Since there was no further business, the meeting was adjourned at 8:36 P.M.

Respectfully submitted,

Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman

Attested to by: Linda L. Zimmerman, Secretary
Board of Zoning Appeals

Date: August 18, 2016